In the Abstract:

Please delete the abstract accompanying the Preliminary Amendment filed February 28, 1997, and substitute therefor the Abstract attached hereto on a separate sheet.

Remarks

Upon entry of the foregoing amendment, claims 31-49 are pending in the application, with claims 31, 34, and 37 being the independent claims. Claims 28-30 are canceled without prejudice to or disclaimer of the subject matter therein. New claims 31-49 are added. These changes are believed to introduce no new matter, and their entry is respectfully requested.

A Request for Interference Under 37 C.F.R. § 1.604 was filed on February 28, 1997 with the above-captioned application. Subsequent to the filing of the foregoing Request, the application that was the subject of the Request (U.S. national phase of PCT/JP93/01673) issued as U.S. Patent No. 5,656,299 ("the '299 patent"; copy enclosed with the First Supplemental Information Disclosure Statement filed herewith), thereby rendering moot the interference request. Applicants respectfully submit that claims 31-49 as now pending do not define the same patentable invention (as defined in 37 C.F.R. § 1.601 (n)) as the claims of the '299 patent.

Conclusion

Prompt and favorable consideration of this Second Preliminary Amendment is respectfully requested.

Respectfully submitted,

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Date: October 17, 1997

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Abstract

A sustained-release microparticle comprising a 1,2 benzazole within a polymeric matrix. One sustained-release microparticle can be produced by dissolving in a solvent an active agent and a biodegradable and biocompatible polymer to form an organic phase, the active agent being selected from the group consisting of risperidone, 9-hydroxy-risperidone, and pharmaceutically acceptable acid addition salts of the foregoing, and extracting the solvent to form microparticles. The sustained-release microparticles can be formulated in a liquid injection vehicle for administration to animals suffering from mental illness.